

MEETING MINUTES

MILPITAS PLANNING COMMISSION
Milpitas City Hall, Council Chambers
455 E. Calaveras Blvd., Milpitas, CA

Wednesday, October 25, 2017

I. PLEDGE OF ALLEGIANCE

Vice Chair Madnawat called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/ SEATING OF ALTERNATE

Present: Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Morris, Maglalang, Mohsin, Chua

Absent: Mandal (excused)
Alternate Member Chua was seated for voting.

Staff: Jessica Garner, Katy Wisinski, Michael Fossati, Adrienne Smith

III. PUBLIC FORUM

Vice Chair Madnawat invited members of the audience to address the Commission and there were no speakers.

IV. APPROVAL OF MEETING MINUTES

Vice Chair Madnawat called for approval of the October 11, 2017 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Sandhu/Commissioner Mohsin

AYES: 6

NOES: 0

ABSTAIN: 1 Ciardella

V. ANNOUNCEMENTS

No announcements

VI. CONFLICT OF INTEREST

Deputy City Attorney Katy Wisinski asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

Vice Chair Madnawat, Commissioner Ciardella and Commissioner Chua stated they met with the applicant for Item IX-2. Ms. Wisinski asked them if they were able to conduct the meeting with an unbiased and impartial perspective and they each stated they could.

VII. APPROVAL OF AGENDA

Vice Chair Madnawat asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the October 25, 2017 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

VIII. CONSENT CALENDAR

NO ITEMS

IX. PUBLIC HEARING

IX-1 ROTTEN ROBBIE #66 – 1787 S MAIN STREET – P-SD16-0007, P-UP16-0026, P-VA17-0002: A Site Development, Conditional Use Permit, and Variance for a new gas station including 3,200 sq. ft. convenience store with off-site beer and wine sales, five multi-product fueling dispensers, and 3,780 sq. ft. canopy over the fuel dispensers. The variance is to allow the convenience store to encroach into the rear yard setback.

Project Planner Michael Fossati showed a presentation and discussed the project. He received three emails in support of the project and read two of them for the record.

Commissioner Ciardella asked if there will be lighting in the outdoor seating area and Mr. Fossati said there have been no lights proposed.

Commissioner Mohsin asked if public art will be provided. Mr. Fossati said all projects that are non-residential are required to install art or pay an in-lieu fee.

Commissioner Maglalang questioned the three foot setback. Mr. Fossati said the applicant requested an exception to push the store back 17 feet making it a 3 foot setback and this is the reason for a variance.

There was discussion about the design of the sign. Commissioners felt it was an old style sign and would like the applicant to work with the Arts Commission to come up with a more modern design. Mr. Fossati said the applicant is willing to replace the sign and is open to suggestions.

Commissioner Sandhu said he is concerned with the size of the setback.

Commissioner Ciardella said he understands the setback request since the applicant had to give up space in the front due to the widening of Montague and he supports the request.

Applicant Tom Robinson, President of Robinson Oil, was present. He spoke about the project and said he believes it will provide valued services to the community. In regards to lighting over the seating area, he is unsure if this is planned but believes it makes sense and is happy to add it.

Mr. Robinson discussed the setback request and said it is necessary to develop ingress and egress for customers and tanker and delivery trucks. He said the setback also allows for more landscaping where it can be seen and that it is critical to have plenty of front parking.

Mr. Robinson said the welcome sign will look better than the old version and they are flexible with the design and happy to work with the Arts Commission.

Vice Chair Madnawat is concerned with unsafe activity in the back area of the site and recommended adding a surveillance camera.

Commissioner Maglalang said he is concerned with the setback and safety issues and questioned if the setback could be increased and the canopy and store moved forward on the site. Mr. Robinson said three feet provides the needed access and with a road in the back he believes there will be no risk issue, and is reluctant to give up frontage space.

Vice Chair Madnawat opened the public hearing.

One resident from Fallen Leaf Drive expressed concern that this project will impact the business for Jerry's Market, a nearby convenience store. He said they have security issues and have installed surveillance cameras which have been helpful, and also expressed concern for increased traffic and cars traveling down Main Street cutting through the property onto Montague.

Motion to close the public hearing.

Motion/Second: Commissioner Chua/Commissioner Mohsin

AYES: 7

NOES: 0

Albert Zamora, Deputy Fire Chief, was present. He said the project allows access from three sides and Fire will be able to set up apparatus easily.

Commissioner Morris requested added conditions for lighting in the seating area and surveillance cameras in the back of the building.

Commissioner Chua requested an added condition that the signage be coordinated with the Arts Commission.

Motion to Adopt Resolution No. 17-020 approving Site Development Permit (P-SD16-0007), Conditional Use Permit (P-UP17-0026) and Variance (P-VA17-0002), subject to the attached Conditions of Approval, and added conditions for lighting in the seating area, surveillance cameras in the back of the building, and that the signage be coordinated with the Arts Commission.

Motion/Second: Commissioner Ciardella/Commissioner Morris

AYES: 6

NOES: 1 Sandhu

IX-2

ISMAILI ASSEMBLY USE IN INDUSTRIAL ZONE – 691 S MILPITAS BLVD – P-UP17-0002: A Conditional Use Permit application to operate an assembly use within an existing industrial building in an industrial zone and shared parking.

Project Planner Adrienne Smith showed a presentation. She said there was a correction to the staff report, as the total number of parking spaces available is 412 not 417, making the deficit 312 not 317, and the applicant is proposing a shared parking agreement to address the parking deficit.

Ms. Smith received a voicemail from a Milpitas resident and a letter from Eric Clapp, the owner of the former Lifescan Campus, opposed to the project.

There were three changes made to the resolution: 1) the overall number of parking spaces was changed from 417 to 412, 2) under the general plan consistency finding, language was removed that made reference to former general plan language that it used to prohibit assembly uses in industrial zones, as it is no longer applicable, and 3) a condition of approval was added requiring recordation of the shared parking against the property.

Commissioner Maglalang is concerned that parking may be insufficient, especially if other tenants have social functions or work beyond 6:00 PM. Ms. Smith said an analysis was conducted by Hexagon Consultants showing the highest potential for crossover at 6:00 PM on week nights but that there is still sufficient parking even if overlap occurs.

Commissioner Maglalang said he had questions related to opportunities lost in terms of business.

Daniel Degu, Economic Development Specialist, said compatible use for zoning in this district would typically include buildings and facilities for office research, general manufacturing, warehouse and distribution, and this particular proposed project would not meet those specific conditions. He said Economic Development supports places of assembly in the city when they are in a compatible use but this project will impact the jobs being created and the economic viability of the city.

Commissioner Maglalang asked if there were specific numbers in terms of revenue for the city. Mr. Degu said that on October 3, 2017 the city council directed staff to study land employment and land conversion, and they are in the process of working on this and the study and results will be available in the beginning of 2018.

Mr. Degu added that there are safety concerns that applicants need to be mindful of when places of assembly come into industrial zones, and staff is willing to work with the applicant to find a compatible location.

Commissioner Morris asked if there is a potential for loss of tax dollars and Mr. Degu said the city can anticipate economic viability that will be negative.

Commissioner Chua said she sees no impact since the congregation is just moving from one area of the city to another. Mr. Degu said there are safety concerns related to bringing places of assembly into industrial zones, which are designed to facilitate jobs and economic vitality, and it can become very difficult for a tenant to relocate or expand based on some of the safety issues and from a revenue perspective as well.

Muneerah Merchant, President of the Ismaili Council for the Western United States, showed a PowerPoint presentation and discussed the Ismaili Cultural Center. She said they had no intent to move but are being asked to. Another representative spoke of their volunteer and organization work and the benefits they bring to the community.

Commissioner Maglalang is concerned with parking and believes the assembly will grow and more parking will be needed. Farouk Lalji said membership has been decreasing over time which has led them to lease space instead of purchase it. He said the shared parking study shows where the maximum number of cars conflict and

whether or not there is enough parking to allow for it and in this case there is, and parking needs during the week are 60-70 spaces which can easily be accommodated.

Commissioner Morris had questions regarding hazards to the community in that area as opposed to the employees working there. Deputy Fire Chief Zamora said risk assessments are necessary to evaluate what toxic gases can affect sensitive receptors, in this case the children, and in this case there are no high hazard or toxic gases. Facilities that have high hazards or toxic gases will impact the sensitive receptors and those coming within a 1,000 foot radius of the building will be required to conduct a risk assessment.

Vice Chair Madnawat opened the public hearing.

Michael Fletcher, Vice President of Arcadia Management Services, spoke in support of the project. Arcadia has owned and managed the Centre Pointe Business Park, where the Ismaili Cultural Center has been a tenant, for many years. There have always been multiple tenants and they have never had any parking issues. He said the center has been displaced and searching for a new location for three years, he is delighted they have found a new location, and he hopes the city will grant them the permits necessary to relocate as they are an exceptional group of people and an asset to the city of Milpitas.

Multiple speakers spoke in support of the project.

Eric Clapp, Vice President of CTC Property LLC, and author of the letter of opposition referenced by Ms. Smith, said they acquired the former Lifescan campus three years ago and what drove them to do it was the surrounding development occurring and the emergence of the BART station. They have invested over \$10 million in repositioning the buildings and redoing the outdoor amenities to try to bring a world class employer into the city.

Mr. Clapp said there is a concern that when assembly uses are allowed into an area like this it can drive away some companies based upon historical trends as well as potential concerns with parking and safety. He hopes the center can find a place in Milpitas but this location located near the BART station can redefine Milpitas from where it was before to where it can be in the future.

Matt Taylor, of CBRE, represents Westport Capital Partners. The campus of 395,000 square feet of space has the biggest single vacancy in the city of Milpitas. They have gotten a lot of interest from Fortune 500 companies to see the space and almost all of them are looking at the site specifically because of the infrastructure that is involved and would undoubtedly use the building for future age occupancy with chemicals.

In regards to the parking impact on the current tenants in the building, the City should study not only the impact as it pertains to the campus next door, but also the impact on the current building, and the ability to continue to lease the building to other tenants as these tenants move out. He is in support of embracing assembly uses in other areas but opposes the project at this location.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

Motion to Adopt Resolution No. 17-029 approving Conditional Use Permit No. UP17-0002, subject to the Conditions of Approval.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 6

NOES: 1 Maglalang

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT The meeting was adjourned at 9:40 PM.

Motion to adjourn to the next meeting.

Motion/Second: Commissioner Sandhu/Commissioner Chua

AYES: 7

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elia Escobar*